

Remarks

Claims 1-18 are pending and rejected. Specifically, claims 1-6, 8 and 11-18 were rejected as allegedly obvious over Patent No. 5,095,500 (“Tayloe”) in view of Patent No. 5,423,067 (“Manabe”). Dependent claims 7 and 9-10 stand rejected as allegedly obvious over Tayloe in view of Manabe and further in view of Patent No. 6,400,943 (“Montoya”). The rejections should be reconsidered and withdrawn.

Claim Amendments

Each of independent claims 1, 17 and 18 has been amended to generally incorporate the recitation of claim 6 which is now cancelled. Because claim 6 has been considered by the Examiner, the amendments do not constitute new matter nor require additional search or consideration. Entry of the amendments and reconsideration on the merits are respectfully requested.

Obviousness Rejection

The obviousness rejection of the independent claims over Tayloe in view of Manabe should be reconsidered and withdrawn. Each independent claim requires forming a data pair comprising a mobile’s signal strength and its location. To correlate signal strength with the location, the received signal strength data and the geolocation data are time-stamped in relation to a common time reference. (See, *e.g.*, Fig. 5.) The signal strength data and location data which have the *closest temporal proximity to the common time reference* are paired together to form a data pair.

To this end, independent claim 1, as amended, recites: “selecting the geolocation data and the measured signal strength data received within sufficiently close temporal proximity to a reference time stamp”. Independent claim 17, as amended, recites: “identifying geolocation data and signal strength data . . . gathered within a predetermined time proximity to a common time reference”. Finally, independent claim 18, as amended, recites: “the processor identifies signal strength data elements corresponding to geolocation data elements by selecting the geolocation data and the measured strength data received within sufficiently close temporal proximity to a

reference time stamp.” The references, even when combined, fail to disclose or suggest the claimed features.

At the portions referenced by the Office, Tayloe alleges using the timing advance technique for locating a mobile. “Timing advance is the round trip propagation time of a call traveling from the base to a mobile and back.” Col. 3, lines 52-54. Timing advance is not the process of pairing data points based on each data point’s *temporal proximity to a common time reference*. Consequently, Tayloe does not disclose nor suggest selecting data “gathered within a predetermined *time proximity* to a common time reference” (claim 1), “gathered within a predetermined *time proximity* to a common time reference” (claim 17) or “within sufficiently close *temporal proximity* to a reference time stamp” (claim 18) in order to form a data pair.

Manabe fails to cure this deficiency. Manabe alleges collecting field intensity data to construct an intensity distribution map around the base station. Table 1 of Manabe tabulates the signal intensity of different mobiles at different times and different locations. Measuring and tabulating field intensity of mobiles at *different times* and locations is not the same as pairing data points based on each data point’s *temporal proximity to a common time reference* as claimed.

Thus, even if combined, the references fail to disclose or suggest the recitations of independent claims 1, 17 and 18. Each of claims 2-5 and 7-16 is deemed patentable at least by the virtue of its dependence from claim 1. Accordingly, additional reasons for patentability of the dependent claims will not be proffered.

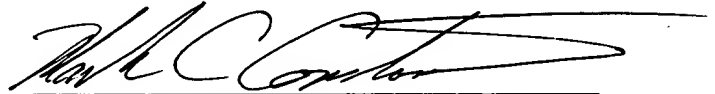
Reconsideration and withdrawal of the obviousness rejection are respectfully requested.

Conclusion

Although an extension of time is not deemed necessary at this time to maintain the instant application pending, the Office is requested and hereby authorized to charge any required extension-of-time fees against Deposit Account Number 04-1679 to Duane Morris LLP.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



Mark C. Comtois Reg. No. 46,285

DUANE MORRIS LLP
1667 K Street N.W., Suite 700
Washington, D.C. 20006-1608
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

Dated: February 5, 2007